IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR.

Second Appeal No. 443 of 2006
[R.M. Tijare Vs. Smt. S.M. Tijare & two ors.]

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders.	Court's or Judge's orders

Mr. S.P. Kshirsagar, Advocate for the appellant.

CORAM : A.H. JOSHI, J.

DATE : 31st October,2007.

Heard.

The challenge put forth to the decree in question is Ground No.8, which reads as follows:-

> 8. That the learned First Appellate Court even conveniently forgotten that the stand taken by the appellant before the learned Trial Court as well as first appellate Court that second wife has no legal right to the estate of the deceased when second marriage is performed during the subsistence of the first marriage of the deceased and therefore, also the impugned judgment and decree as passed by the first appellate Court is not

sustainable in law.

It is seen that this ground is not raised in the suit and appeal, and what is urged is that the said issue is being gone into the succession proceedings. The contention is unacceptable. No Substantial Question of Law arises. Appeal is, therefore, dismissed.

Judge

|Hedau|